

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,

Plaintiff,

v.

ARBOR LODGING PARTNERS, LLC,
d/b/a PICCADILLY INN,

Defendant.

No. 2:22-cv-1689-TLN-KJN PS

ORDER

On June 28, 2023, the court ordered the parties to meet and confer within thirty days and file a joint status report within fourteen days of meeting and conferring. (ECF No. 15.) On August 14, 2023, defendant submitted a non-joint status reported stating that defendant attempted to contact plaintiff to prepare a joint status report, but plaintiff did not respond. (ECF No. 16 at 1.)

A district court may impose sanctions, including involuntary dismissal of a plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b), where that plaintiff fails to prosecute his or her case, or fails to comply with the court's orders, the Federal Rules of Civil Procedure, or the court's local rules. Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (stating that courts may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil

1 procedure or the court's orders); Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
2 ("Failure to follow a district court's local rules is a proper ground for dismissal"); Ferdik v.
3 Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992) ("Pursuant to Federal Rule of Civil Procedure
4 41(b), the district court may dismiss an action for failure to comply with any order of the court").
5 This court's Local Rules are in accord. Eastern District Local Rule 110 provides that "[f]ailure of
6 counsel or of a party to comply with these Rules or with any order of the Court may be grounds
7 for imposition by the Court of any and all sanctions authorized by statute or Rule or within the
8 inherent power of the Court."

9 "Pro se litigants must follow the same rules of procedure that govern other litigants."
10 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (overruled on other grounds). Eastern District
11 Local Rule 183(a) provides, in part:

12 Any individual representing himself or herself without an attorney is
13 bound by the Federal Rules of Civil or Criminal Procedure, these
14 Rules, and all other applicable law. All obligations placed on
15 "counsel" by these Rules apply to individuals appearing in propria
16 persona. Failure to comply therewith may be ground for dismissal,
17 judgment by default, or any other sanction appropriate under these
18 Rules.

16 E.D. Cal. L.R. 183(a).

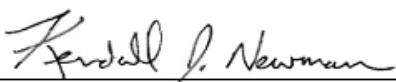
17 **ORDER**

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Within thirty days of this order, plaintiff shall show cause in writing why sanctions
20 should not be imposed for his failure to meet and confer with defendant and join in the
21 status report pursuant to the court's June 28, 2023 order, Federal Rule of Civil
22 Procedure 26(f), and Local Rule 240.
- 23 2. Plaintiff's failure to file the required response shall constitute an additional ground for,
24 *and plaintiff's consent to*, the imposition of appropriate sanctions, including a potential
25 recommendation that plaintiff's case be involuntarily dismissed with prejudice
26 pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110 and 183(a).

27 Dated: September 26, 2023

28 gast.1689


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE